

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ELIAS ILYIA,) No. C11-1593RSL
v. Plaintiff,)
MAROUN N. EL KHOURY, *et al.*,) ORDER DENYING PLAINTIFF'S
Defendants.) MOTION TO COMPEL

This matter comes before the Court on “Plaintiff Elias Ilyia’s Motion to Compel” responses to discovery served on November 5, 2012, and January 28, 2013. Dkt. # 151. The motion is DENIED as untimely and for failure to comply with LCR 37(a)(1). Pursuant to the case management order issued by the Court (Dkt. # 68), all motions related to discovery had to be filed by December 20, 2012. Defendant’s initial responses to plaintiff’s first set of Requests for Production were served on December 3, 2012: to the extent the responses were insufficient, plaintiff could have and should have met and conferred with counsel and, if necessary, filed a timely motion to compel. Instead, plaintiff waited until the end of January to contact defendant regarding perceived shortcomings in the production and waited until March 7, 2013, to file this motion to compel.

The discovery requests issued on January 28, 2013, were untimely and cannot be justified by the fact that defendant had amended his counterclaims two weeks earlier. Defendant filed his motion to amend on December 13, 2012. Plaintiff neither opposed the motion to amend

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1 nor requested that the Court extend the discovery or other case management deadlines if
2 amendment were permitted. Plaintiff's apparent assumption that the amendment would
3 automatically reopen discovery was not reasonable in light of the clear admonition that the case
4 management deadlines "are firm dates that can be changed only by order of the Court, not by
5 agreement of counsel or the parties." Dkt. # 68 at 2.

6 Finally, plaintiff did not provide the required certification showing that he made a
7 good faith effort to confer with defendant regarding this dispute prior to filing its motion. An
8 exchange of letters demanding and refusing supplementation is insufficient under LCR 37(a)(1).

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10 For all of the foregoing reasons, plaintiff's motion to compel (Dkt. # 151) is
11 DENIED.

12 Dated this 7th day of June, 2013.

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15 Robert S. Lasnik
16 United States District Judge
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